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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,772	03/18/2004	Kyeong Jin Kim	054358-5025	4675

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EXAMINER	
DUONG, TAI V	

ART UNIT	PAPER NUMBER
2871	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,772	KIM ET AL.	
	Examiner	Art Unit	
	Tai Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/22/06;5/25/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The Terminal Disclaimer, as mentioned in the Remarks, has not been filed or misplaced.

The objections to the specification and the drawings in the last Office Action are withdrawn in view of the amendments to the specification and Applicant's remarks.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not the feature "wherein the first and second front light units disposed at a full area of the liquid crystal panel", as recited in claims 1, 7, 17, 23, 29 and 39.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 7, 17, 23, 29 and 39, without antecedent basis in the specification, it is unclear what the recited feature "wherein the first and second front light units *disposed at a full area* of the liquid crystal panel" *intends* to mean. It is understood by the examiner that the term "disposed" means to arrange in a particular order and the phrase "disposed at" means to arrange at a particular location or position. It is also understood that the phrase "a full area" means a *maximum* area (maximum is a relative term). However, the phrase "disposed at a full area" is confusing. Also, it is unclear whether the first and second front light units *together* are disposed at a full area of the

liquid crystal panel or each first (second) front light unit is disposed at a full area of the liquid crystal panel. The remaining claims are also rejected since they depend on the indefinite claims.

In the below rejections, the feature "wherein the first and second front light units disposed at a full area of the liquid crystal panel" is interpreted by the examiner as "the first and second front light units *together* are disposed at a maximum area of the liquid crystal panel. The maximum area is considered by the examiner as about 70% of the total area of the liquid crystal panel.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-44 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 12-21 and 27-32 of U.S. Patent No.

7,015,989. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-6, 12-21 and 27-32 of the patent disclose all of the recited features of the instant claims. The instant claims are broader in scope than the patent clams and are anticipated by the claims of the patent. Also, it would have been obvious to a person of ordinary skill in the art to omit the partial reflector from the claims of the copending Application'848 for reducing the fabrication cost and thickness of the dual LCD device. In addition, it has been held that omission of an element and its function is obvious if the function of the element is not desired. *Ex parte Wu* , 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). It would have been obvious to a person of ordinary skill in the art to have the first and second front light units *together* disposed at a maximum area of the liquid crystal panel for obtaining a dual LCD device having displays with high brightness at both sides.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 6,574,487).

Note Fig. 5 which identically disclose the claimed dual LCD device comprising first and second polarizing plates 58 attached to opposing surfaces of the liquid crystal panel, a first front light unit (68,72) attached to a front side of the liquid crystal panel, and a second front light unit (70,74) attached to a rear side of the liquid crystal panel, the liquid crystal panel being formed in a TN normally white mode (col. 3, lines 12-26), wherein the first front light unit is operated to cause a first image to be displayed on the rear side of the liquid crystal panel, and the second front light unit is operated to cause a second image to be displayed on the front side of the liquid crystal panel (col. 2, line 58 – col. 4, line 58). As apparent from Fig.5, the first and second front light units *together* are disposed at a maximum area of the liquid crystal panel (more than 70% of the total area of the liquid crystal panel).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-16 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Kaneko (US 2002/0176036).

The only differences between the dual LCD device of Smith and that of the instant claims are a fine reflecting and scattering film is prepared between the first or second polarizing plate and the first or second front light unit and prevents Moiré phenomenon from occurring when an image is displayed on the rear or front side of the

liquid crystal panel due to a light emitted from the first or second front light unit. Kaneko discloses in Fig. 3 that it was known to employ a reflecting and scattering film (reflection polarizer 10 and scattering layer 19) between a polarizing plate 12 and a light unit (7, 8, 14) for obtaining a brighter display while preventing Moiré (paragraphs 0097-0099). Thus, it would have been obvious to a person of ordinary skill in the art in view of Kaneko to employ in the dual LCD device of Smith a reflecting and scattering film between the polarizing plate and the light unit for obtaining a brighter display while preventing Moiré.

Claims 17-22 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Kaneko (US 2002/0176036).

The only differences between the dual LCD device of Smith and that of the instant claims are a scattering film is prepared between the first or second polarizing plate and the first or second front light unit and prevents Moiré phenomenon from occurring when an image is displayed on the rear or front side of the liquid crystal panel due to a light emitted from the first or second front light unit. Kaneko discloses in Fig. 1 that it was known to employ a scattering film 9 between a polarizing plate 12 and a light unit (7, 8, 14) for scattering incident light while preventing Moiré (Abstract, paragraph 0099). Thus, it would have been obvious to a person of ordinary skill in the art in view of Kaneko to employ in the dual LCD device of Smith a scattering film between the polarizing plate and the light unit for scattering incident light while preventing Moiré.

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TD

TVD

09/06

TOANTON
PRIMARY EXAMINER